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Kerala Gazette Extraordinary No. 45 dated 16th March 1963.

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 11771|62|Law(K)2.

Dated, Trivandrum, 16th March 1963|
25th Phalguna, 1884.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 15th day of March 1963.

By order of the Governor,
P. SANKARAN ELAYATH,
Law Secretary.

ACT 17 OF 1963

THE KERALA CORNEAL GRAFTING ACT, 1963

An Act to make provision with respect to the use of the eyes of deceased persons for therapeutic purposes in the State of Kerala.

Preamble.—WHEREAS it is expedient to make provision with respect to the use of the eyes of deceased persons for therapeutic purposes in the State of Kerala;

BE it enacted in the Fourteenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Corneal Grafting Act, 1963.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "approved institution" means an institution specified in the Schedule and includes any other institution declared by the Government, by notification in the Gazette, to be an approved institution for the purposes of this Act;

(b) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees or (ii) by marriage with any of the relatives aforesaid.

Explanation.—The expressions "lineal consanguinity" and "collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925 (Central Act 39 of 1925), and degrees of relationship shall be computed in the manner laid down in that Act.

(c) "prescribed" means prescribed by rules made under this Act.

3. *Removal of the eyes of deceased persons.*—(1) If any person, either in writing at any time or orally in the presence of two or more persons during his last illness, has expressed an unequivocal request that his eye or eyes be used for therapeutic purposes after his death, the party lawfully in possession of his body after his death, may, unless, the said party has reason to believe that the request was subsequently withdrawn, authorise the removal of the eye or eyes from the body for use for those purposes.

(2) Without prejudice to sub-section (1), the party lawfully in possession of the body of a deceased person may authorise the removal of the eye or eyes from the body for the purposes aforesaid unless that party has reason to believe:—

(a) that the deceased had expressed an objection to his eye or eyes being so dealt with after his death, and had not withdrawn it; or

(b) that the surviving spouse or any near relative of the deceased objects to the eye or eyes of the deceased being so dealt with.

(3) An authority given under this Act in respect of any deceased person shall be sufficient warrant for the removal of the eye or eyes from the body and its or their use for the purposes aforesaid; but no such removal shall be effected except by a medical officer possessing the prescribed qualifications and attached to, or employed in, an approved institution,

who must have satisfied himself by a personal examination of the body that life is extinct and the eye or eyes shall after such removal be handed over by such medical officer to the nearest approved institution.

(4) (a) No authority for the removal of the eye or eyes under this Act shall be given if the party empowered to give such authority has reason to believe that an inquest may be required to be held on the body.

(b) Any person who, knowing or having reason to believe that an inquest may be required to be held over a dead body, gives or abets the giving of any authority under this Act, shall on conviction before a Magistrate, be liable to fine which may extend to two hundred rupees.

(5) No authority shall be given under this Act in respect of the body of a deceased person by any person who has been entrusted with the body solely for the purpose of its interment, burial, cremation or disposal otherwise.

(6) In the case of a body lying in a hospital, prison, nursing home or institution, and not claimed by any of the near relatives of the deceased within such time as may be prescribed, an authority under this Act may be given by the person having the control and management of the hospital, prison, nursing home or institution or by any person designated by the first mentioned person in that behalf.

(7) Nothing in this Act shall be construed as rendering unlawful any dealing with the body of a deceased person, or any part thereof, which would have been lawful if this Act had not been passed.

4. *Power to make rules.*—(1) The Government may, by notification in the gazette, make such rules as may be necessary for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

[*See* clause (a) of section 2]

1. Ophthalmic Hospital, Trivandrum.
2. District Hospital, Ernakulam.
3. Medical College Hospital, Calicut.

Kerala Gazette Extraordinary No. 45 dated 16th March 1963.

GOVERNMENT OF KERALA

Law Department

No. 11731|62|Law(K)3.

Dated, Trivandrum, 16th March 1963|
25th Phalguna, 1884.

NOTIFICATION

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 15th day of March 1963.

By order of the Governor,
P. SANKARAN ELAYATH,
Law Secretary.

ACT 18 OF 1963

THE KERALA HACKNEY CARRIAGE ACT, 1963

An Act to unify and amend the law relating to the regulation of Hackney Carriages in the State of Kerala.

Preamble.—Whereas it is expedient to unify and amend the law relating to the regulation of Hackney Carriages in the State of Kerala;

BE it enacted in the Thirteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Hackney Carriage Act, 1963.

(2) It extends to the whole of the State of Kerala.

(3) This section and section 58 shall come into force in the whole of the State of Kerala at once. The remaining sections of this Act shall come into force at once in the areas specified in the schedule and they shall come into force in other areas of the State on such date as the Government may by notification in the Gazette appoint, and different dates may be appointed for different areas:

Provided that before issuing any such notification, the Government shall publish a notice of the proposal in the Gazette inviting objections thereto and consider any objections received within the time specified therefor in the notice.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) 'Director' means in relation to any area within the jurisdiction of a Municipal Corporation or any area comprised in a Municipality or Township, the Director appointed under clause (13) of section 3 of the Kerala Municipalities Act, 1960 (Act 14 of 1961) and in relation to any Panchayat area the Director appointed under clause (7) of section 2 of the Kerala Panchayats Act, 1960 (Act 32 of 1960);

(2) 'driving' includes drawing, pushing or propelling, and driver includes any person who drives, draws, pushes or propels any hackney carriage;

(3) 'executive authority' means, in the case of a Municipal Corporation or Municipal Council, the Commissioner of the Corporation or Council as the case may be; in the case of a Panchayat, the executive authority of the Panchayat; and in the case of a township, the executive officer of the Township Committee;

(4) 'hackney carriage' means any wheeled vehicle drawn, pushed or propelled by a man, or drawn by horse, bullock or other animal and used for the conveyance of any person or goods and which stands or plies for hire by the hour or day or according to distance, and includes a rickshaw;

(5) 'horse' includes mule or pony;

(6) 'local authority' means—

(a) in any City, the Corporation of that City;

(b) in any Municipal area, the Municipal council concerned;

(c) in any Panchayat area, the Panchayat concerned; and

(d) in any Township, the Township Committee concerned;

(7) 'Magistrate' means any magistrate having local jurisdiction in any area to which this Act extends;

(8) 'minor' means any person who has not completed the age of eighteen years;

(9) 'registering authority' means the executive authority of the local authority concerned or any other person appointed by name or by virtue of his office, by the Government for registering hackney carriages within a particular area;

(10) 'rickshaw' means a two-wheeled vehicle or a tri-cycle of special type drawn or propelled by a person and includes a cycle-rickshaw;

(11) 'year of registration' means the year ending with the 31st day of March.

3. *Saving.*—Nothing in this Act shall apply to a hackney carriage owned by the Government or a local authority.

CHAPTER II

Registration and Numbering of Hackney Carriages

4. *Annual registration compulsory.*—Every hackney carriage shall be annually registered by the registering authority.

5. *Application for registry.*—(1) Any person who is desirous of having any vehicle registered as a hackney carriage shall apply to the registering authority and shall submit the vehicle for such inspection as the registering authority may direct.

(2) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purposes of this Act:

Provided that if the person in whose name any carriage is registered is a minor, the guardian of such minor shall be deemed to be the owner of the carriage.

6. *Right to Registry.*—Every applicant under section 5 shall be entitled to registration unless the registering authority is of opinion that the vehicle is not fit for public use:

Provided that no vehicle shall be registered in the name of a minor unless the application is made by his guardian on behalf of the minor:

Provided further that the registering authority may, in the interest of the public,—

(1) limit the number of vehicles of any description which may be registered annually, in which case no vehicle of that description shall be registered in any year in excess of the number so limited;

(2) refuse to register vehicles of a particular description in which case no vehicle of that description shall be registered;

(3) limit the number of hand-pulled rickshaws to be registered in any year, to a number which shall be less by 5 per cent than the number registered in the immediately preceding year.

7. *Grant of carriage licence.*—(1) The registering authority, shall, at the time of registration, deliver a licence duly signed by it to the applicant.

(2) A licence granted under this section shall be in force for the year of registration.

8. *Form of licence.*—The following particulars shall be entered in the register and in the licence to be given to the applicant:—

(1) The number in the register of the hackney carriage.

(2) The name and residence of the owner and the place where the hackney carriage is kept.

(3) A description of the hackney carriage.

(4) The number of horses or other animals to be employed in drawing such hackney carriage and, if the hackney carriage is drawn or pushed or propelled by men, the number of men to be so employed.

(5) The number of passengers such hackney carriage is licensed to carry.

(6) The weight of the luggage such carriage is licensed to carry in addition to the passengers.

(7) The date of the licence and its date of expiry

9. *Fee for licence.*—A fee shall be paid to the registering authority for each licence of such sum, as may be fixed by the Director, by notification in the Gazette, subject to the condition that no such fee shall exceed the fee specified hereunder.

	Rs.	nP.
(a) for every four wheeled carriage drawn by two or more horses licensed to carry more than six passengers	10	00
(b) for every other four wheeled carriage drawn by two horses	5	00
(c) for every other four wheeled carriage drawn by one horse or by one or more bullocks	3	00
(d) for every two wheeled carriage drawn by one or more horses	2	00
(e) for every two wheeled carriage drawn by one or more bullocks	1	00
(f) for every rickshaw, perambulator or other vehicle drawn, propelled or pushed by man or in any other manner	0	50

10. *Fee for certified copy of register or licence.*—Every person applying for a certified copy of the particulars in the register or licence mentioned in section 8 shall be furnished the same on payment of a fee of twenty-five naye paise.

11. *Suspension of licence by Registering Authority.*—The registering authority may suspend for such period as it thinks fit the licence of any hackney carriage, whenever it appears to it that such carriage, or any animal or harness used therewith is unfit for public use.

12. *Transfer of registry.*—On any transfer of ownership of a hackney carriage, the transferee shall, if he desires to use it as such, within one week from the date of the transfer, apply to the registering authority for transfer of the registry, giving it the particulars specified in the first three clauses of section 8.

13. *Notice of change of residence, etc., to be given by licensees.*—(1) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his licence and give to the registering authority a notice in writing signed by him specifying the new residence or place.

(2) Every such owner who neglects to forward his licence or give such notice shall be liable to a fine not exceeding twenty rupees.

14. *Transfers and change of residence to be registered.*—The registering authority, on receiving the application or notice specified in section 12 or section 13, shall make the necessary alteration in the register and the licence, and return the licence; and a fee of twenty-five naye paise shall be payable along with every such application or notice.

15. *Appeal.*—Any person aggrieved by any order refusing registration of any vehicle under section 6 or suspending a licence under section 11, may within thirty days from the date of intimation of such order, appeal to the local authority concerned and the order passed in appeal shall be final.

16. *Penalty for keeping unlicensed hackney carriage.*—Whoever keeps any hackney carriage which has not been duly licensed under this Act, shall be liable to a fine not exceeding fifty rupees.

17. *Numbering of hackney carriage.*—(1) Upon the registration of any hackney carriage, the registering authority shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

(2) If the words or figures so painted become indistinct or are obliterated during the term of the licence, the owner of the carriage shall be bound to produce it before the registering authority and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the registering authority to have a new plate affixed.

(3) The fee for the painting done or the plate supplied under sub-section (1) or sub-section (2) shall be twenty-five naye paise, payable to the registering authority.

18. *Penalty for plying for hire without plate or inscription.*—If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by section 17, the owner thereof shall be liable to a fine not exceeding twenty rupees.

19. *Return of plate on expiry of licence.*—(1) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate, if any, of such hackney carriage to be delivered to the registering authority.

(2) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate, if any, to the said authority, shall be liable to a fine not exceeding twenty rupees.

20. *Penalty for using counterfeit plate.*—(1) Every person who shall, for the purpose of deception, use or have any plate or painting resembling or intended to resemble any plate affixed or painting made under this Act, shall be punishable

with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section, with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month, or with both.

(2) Any officer of the local authority duly empowered in that behalf by the registering authority or any Police Officer may seize and take away any plate used or had as aforesaid wheresoever the same may be found, and deliver the same to the registering authority and in the case of painting referred to in sub-section (1) obliterate the same.

CHAPTER III

DRIVER'S LICENCE AND BADGE

21. *Grant of driver's licence.*—(1) The registering authority may grant a licence to act as driver of any hackney carriage to any applicant whom it may consider fit, provided he is not a minor.

(2) Every such licence shall contain—

(i) the number of the licence, the name, place of abode and age of the person to whom such licence is granted;

(ii) the description of the carriage and animals, if any, to be used therewith; and

(iii) the date on which the licence was granted and the date of its expiry;

and shall bear the signature of the registering authority.

(3) Such licence shall be in force for the year of registration and the fee payable therefor shall be one rupee and fifty naye paise:

Provided that no fee shall be payable for the licence for the driver of a rickshaw; and the fee payable for the licence for driver of any hackney carriage mentioned in clause (f) of section 9, other than a rickshaw, shall be twenty-five naye paise.

22. *Particulars of licence to be registered.*—The particulars of every licence granted under section 21 shall be entered in a register by the registering authority and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of twenty-five naye paise.

23. *Penalty for driving without licence or lending licence.*—If any person acts as the driver of a hackney carriage without having a licence in force for the time being or, having a licence, fails to carry it with him when driving a hackney carriage, or transfers or lends it or allows it to be used by any other person, he shall be liable to a fine not exceeding twenty rupees.

24. *Suspension of licence by registering authority.*—The registering authority may suspend for such period as it thinks fit the licence of the driver of a hackney carriage whenever, in its opinion, such driver is unfit to be so employed.

25. *Appeal.*—Any person aggrieved by an order refusing grant of a licence under section 21 or suspending a licence under section 24 may, within thirty days from the date of intimation of such order, appeal to the local authority concerned and the order passed in appeal shall be final.

26. *Penalty for suffering unlicenced person to drive.*—The owner of a hackney carriage, who knowingly suffers any person, not duly licenced under this Act, to act as driver of such carriage, shall be liable to a fine not exceeding fifty rupees:

Provided that such owner and such unlicenced driver shall be subject to all the provisions of this Act for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

27. *Supply of badge to driver.*—(1) The registering authority shall, at the time of granting a licence to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his licence.

(2) Every driver to whom such badge is delivered shall, at all times while acting as driver, wear such badge exposed to view.

(3) In case any such driver omits to wear such badge exposed to view while acting as driver he shall be liable to a fine not exceeding ten rupees.

(4) Whenever the number on any badge becomes indistinct or is obliterated during the term of the licence, or whenever any badge is lost or stolen, the person to whom the licence relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such licence to the registering authority, and such person shall then be entitled to have a new licence and badge delivered to him upon payment of the fee specified in section 21. Such new licence shall be in force for the year of registration.

(5) Every person licensed under the authority of this Act who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall be liable to a fine not exceeding ten rupees.

28. *Return of expired licence and badge.*—(1) Upon the expiration or other determination of any licence granted to a driver under this Act, he shall deliver such licence and his badge to the registering authority.

(2) Every driver who neglects for three days to deliver such expired licence and badge to the registering authority and also every person who uses or wears or fraudulently detains any such expired licence or badge and every person to whom any expired licence or badge has been delivered, who lends, gives away, pledges or sells such badge to any other person, and every person who detains, wears or uses any licence, or badge of any other person, shall be liable to a fine not exceeding twenty rupees.

29. *Penalty for using counterfeit badge.*—Every person who, for the purpose of deception, uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

30. *Seizure of expired or counterfeit badge.*—Any officer of the local authority duly empowered in that behalf by the registering authority or any Police Officer may seize and take away any expired or counterfeit badge, or any badge in respect of which an offence under section 28 has been committed, wheresoever the same may be found, and deliver the same to the registering authority.

31. *Penalty for failure to produce licence before Magistrate.*—Whenever any driver is summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his licence, and produce the same if required so to do, and any driver who, on such requisition, refuses to produce such licence, shall be liable to a fine not exceeding five rupees.

32. *Convictions under Act to be endorsed on licence.*—On the conviction of any driver for any offence under this Act, the Magistrate shall cause to be endorsed on his licence the nature of the offence, the date of the conviction and the penalty inflicted.

33. *Cancellation of suspension of licence on conviction.*—(1) On the conviction of any driver for any offence under this Act, the Magistrate may direct the cancellation of the licence of such driver or its suspension for such time as he thinks fit.

(2) For such purpose, he may require the driver or, any other person who may be in possession of the licence or badge to deliver up the same.

(3) If such driver or other person refuses or neglects to deliver up the licence or badge, he shall be liable to a fine not exceeding ten rupees.

(4) The Magistrate shall forward every licence and every badge delivered up to him under sub-section (2) to the registering authority together with a memorandum of his sentence in the case.

(5) The registering authority shall enter the fact of such sentence in the register referred to in section 22, and shall either suspend or cancel such licence according to the direction of the Magistrate; and if it has been suspended, the registering authority shall, on application at the end of the period of suspension, redeliver such licence or badge to the person to whom it was granted.

CHAPTER IV

Fares, Hiring and Plying for Hire

34. *Maximum fares for use of hackney carriages.*—(1) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the registering authority with the sanction of the Director, duly notified:

Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding.

(2) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged.

35. *Contract for higher fare invalid.*—No agreement made with the driver of any hackney carriage for the payment of more than the fare published in accordance with section 34 shall be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such hackney carriage to pay any sum beyond such fare. If, in pursuance of such agreement, any person receives any sum exceeding the fare allowed, he shall be liable to pay a fine not exceeding ten rupees and also to refund such excess, which shall be recoverable as if it were a fine.

36. *Publication of authorised fares and distances.*—(1) The registering authority shall cause to be prepared a list in English and in any other local language of the fares published under section 34 and shall annex to such list a table showing the distance between the principal places to and from which hackney carriages commonly ply. The distances so shown shall be presumed to be correct.

(2) Copies of such list and table shall be issued to all applicants on payment of a fee of twenty-five naye paise for each copy or of such other sum as the registering authority, subject to the control of the Director, may prescribe.

(3) The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and table and shall on demand produce the same for the inspection of any Police Officer or of any officer of the local authority duly authorised in that behalf by the registering authority or for the information of any hirer of, or passenger by his carriage, and shall in default, be liable to a fine not exceeding ten rupees.

(4) The registering authority shall also cause an abstract of the fares referred to in sub-section (1) to be prepared in English and in any other local language and printed on enamelled plates and such plates shall be issued to applicants on payment of a fee of twenty-five naye paise for each plate.

(5) Every hackney carriage shall have such a plate affixed and as often as any portion of the printing on any such

plate becomes indistinct or obliterated, re-affixed, on a conspicuous part of the carriage in accordance with the directions of the registering authority.

(6) If any hackney carriage stands or plies for hire without such a plate affixed or re-affixed as required by sub-section (5), the owner and driver thereof shall be punishable with fine not exceeding twenty rupees.

37. *The maximum distance to which the driver is bound to drive.*—(1) The driver of every hackney carriage shall be bound to drive such carriage to any place named by the hirer which is not more than 3 miles from the place of hiring in the case of vehicles of the description specified in clause (f) of section 9, and in the case of any other vehicle, not more than six miles.

(2) When any hackney carriage is hired by time, the driver thereof shall drive the same at a rate of speed not less than that prescribed by the registering authority.

(3) A driver failing, without reasonable excuse, to comply with the provisions of this section shall be liable to a fine not exceeding ten rupees.

38. *Quantity of luggage to be carried.*—The driver of every hackney carriage shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by the rules under this Act.

39. *Penalty for refusing to let hackney carriage for hire.*—Any owner or driver of any hackney carriage who demands more than the fare to which he is legally entitled, or without reasonable excuse refuses to let such carriage for hire, shall be liable to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the party complaining as to the Magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

40. *Penalties for various offences by driver.*—Every driver of a hackney carriage who—

(a) is drunk during his employment;

(b) makes use of insulting or abusive language or gesture;

(c) stands elsewhere than at some stand or other places appointed for the purpose or loiters for the purpose of being hired in or upon any public street, road or place;

(d) wilfully obstructs, or hinders, the driver of any other hackney carriage in taking up or setting down any person into, or from such other carriage;

(e) wrongfully prevents or endeavours to prevent the driver of any other hackney carriage from being hired;

(f) refuses to admit and carry in such carriage the number of passengers the carriage is licensed to carry;

(g) carries more than such number of passengers;

(h) refuses to carry the quantity of luggage allowed by the licence;

(i) being hired, permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the consent of the person hiring the same;

(j) drives in any hackney carriage any animal which is not so secured as to be under the control of the driver;

(k) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring;

(l) plies for hire with any carriage or animal which shall at the time be unfit for public use;

(m) plies for hire with any carriage which is not fitted with any suitable warning signal, such as bell, horn or other contrivance;

(n) without previously disinfecting it, knowingly uses for hire any carriage used for the conveyance of a corpse or any person suffering from any contagious or infectious disease;

(o) demands advance payment of fare;

(p) refuses to obey the reasonable directions of any person hiring his vehicle; and

(q) permits the inside of the hackney carriage of which he is in charge, to become dirty;

shall be liable to a fine not exceeding fifty rupees, or to imprisonment which may extend to one month or to both.

41. *Requisition to owner to furnish address of absent driver.*—(1) When a complaint is made before a Magistrate against the driver of a hackney carriage under this Act, the Magistrate may if the driver fails to appear, summon the owner to appear and to furnish the correct address of the driver.

(2) If the owner after being duly summoned fails, without reasonable excuse, to appear or furnish the correct address of the driver according to the summons, he shall be liable to a fine not exceeding fifty rupees.

(3) If the owner fails without reasonable excuse to appear or furnish the correct address of the driver on a subsequent summons requiring him to do so, the Magistrate may dispose of the complaint in the absence of the owner and driver or either of them.

42. *Special provision regarding rickshaws.*—Notwithstanding anything contained in this Act, the fine in respect of any

offence relating to rickshaws under this Act shall not exceed ten rupees.

43. *Procedure in case of disputes between hirer and driver.*—(1) In case of any dispute between the hirer and driver of any hackney carriage, either may require the other to proceed forthwith to the nearest Magistrate's court and the then sitting Magistrate shall hear and determine the dispute in a summary way.

(2) If no Magistrate be then sitting, either party may require the other to proceed to the nearest Police Officer who shall enter the complaint in his diary and require the parties to appear before the Magistrate at his next sitting.

(3) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (1), or sub-section (2) or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case ex parte, and his decision shall be binding on both parties.

44. *Procedure in case of refusal to pay fare.*—(1) If any person who has hired a hackney carriage refuses to pay to the owner or driver thereof, the fare payable under this Act, the Magistrate may order payment of such fare, and also of reasonable compensation for loss of time, and in default of immediate payment, such fare and compensation may be recovered as a fine.

(2) If any person who has used any such carriage attempts to evade payment of the legal fare, or any portion thereof, he shall be liable to a fine not exceeding fifty rupees in addition to any payment which may have been ordered under sub-section (1).

45. *Penalty for defacing or destroying plate, badge, or table of fares.*—(1) Every person who wilfully tears, destroys, defaces, obliterates or removes any plate, list of fares, table of distances, or driver's badge, kept under the provisions of this Act, shall be liable to a fine not exceeding twenty rupees.

(2) Any portion of the fine may be awarded to the person to whom such plate, list of fares, table of distances, or driver's badge belongs.

46. *Penalty for wilful damage to hackney carriage.*—Every person using a hackney carriage who wilfully causes any damage to the same, shall be liable to a fine not exceeding twenty rupees and shall also pay to the owner such compensation for the damage as the Magistrate may direct; and such compensation shall be leviable as if it were a fine.

47. *Hackney carriage stands.*—(1) The registering authority shall appoint a sufficient number of public stands for hackney carriages.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same, containing a notice

in English and in any other local language, stating that the stand is a public stand under this Act, and specifying the number of carriages that may be stationed in it.

CHAPTER V

LOST PROPERTY

48. *Deposit with registering authority or Police Officer of property left in hackney carriage.*—(1) The owner or driver of every hackney carriage wherein any property is left by any person shall, within eighteen hours, deposit the property with the registering authority or with the Inspector or other officer on duty in the nearest police station and shall be entitled to a receipt duly signed by the officer taking charge of the same.

(2) Any such owner or driver making default herein shall be liable to a fine not exceeding twenty rupees or to imprisonment for a period which may extend to one month or to both.

49. *The registering authority or Police Officer to register particulars of property deposited and grant receipt.*—(1) The said authority or officer shall forthwith enter, in a book to be kept for that purpose—

(a) the description of the property;

(b) the name and address of the driver or other person who brings it;

(c) the name and address of the owner of the hackney carriage in which it was left, and the registered number of the carriage; and

(d) the day and hour when the property is brought and shall give to the person bringing the property a receipt for the same.

(2) If the property is deposited in a police station, the officer receiving the property shall forthwith forward the same to the registering authority with a copy of the entries made in the book in respect of the property.

(3) The property deposited under sub-section (1) shall be delivered to the person who satisfies the registering authority that it belongs to him, upon payment of all expenses incurred by the owner or driver together with such reasonable sum as the registering authority may award:

Provided that—

(i) if the property is not claimed and the ownership established within six months from the date of deposit, the registering authority may cause the property to be advertised and sold by public auction;

(ii) when the property so deposited is subject to speedy and natural decay or when the expenses of keeping it in custody is likely to exceed its value the registering authority may

cause it to be sold at once; and the proceeds, after deducting the expenses together with such reasonable sum as the registering authority may award to the owner or driver, may be forfeited to the Government, if within the period aforesaid the ownership is not established.

CHAPTER VI

PROSECUTIONS

50. *Exparte disposal of criminal charge.*—If, in any prosecution under this Act, the person charged does not appear as directed by the summons, the Magistrate may, upon proof of personal service and if no sufficient cause be shown for the non-appearance, proceed to dispose of the case in his absence.

51. *Limitation restricting criminal proceedings.*—(1) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within one month next after the commission of such offence.

(2) For the purposes of this section, every failure or contravention punishable under this Act shall be deemed to be a continuing offence so long as the failure or contravention continues.

52. *Compensation for frivolous prosecution.*—Where the Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, he may direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit and the sum so awarded shall be recoverable as if it were a fine.

CHAPTER VII

SPECIAL PROVISIONS RELATING TO RICKSHAWS

53. *Power of Government to make special rules.*—(1) Notwithstanding anything contained in the foregoing provisions of this Act or the rules made thereunder, the Government, may after previous publication, make special rules for the licensing of rickshaws and rickshaw pullers.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) prescribe the period for which the rickshaws, hand-pulled and cycle driven, are to be permitted to ply;

(b) prescribe the size and design of rickshaw and the conditions for grant of licence;

(c) prescribe the period after which the licence has to be renewed;

(d) prescribe the standard of physical fitness, with special reference to age, required for rickshaw pullers and drivers;

(e) prescribe the rates of fees to be paid by rickshaw pullers and drivers for medical certificates;

(f) prescribe the penalties for the violation of any of the rules by the owner of the rickshaw or by the puller or driver of the rickshaw.

CHAPTER VIII

Rules, bye-laws and Delegation

54. *Power to make rules.*—(1) The Government may, after previous publication, make rules, not inconsistent with the provisions of this Act, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

(a) the examination and qualifications of drivers and the conditions under which they may be employed;

(b) the description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, the dimensions of such carriages, the condition in which such carriages and horses, bullocks or other animals, harness and other things used therewith shall be kept;

(c) the inspection of the premises on which any such carriages, horses, bullocks or other animals, harness and other things are kept;

(d) the inspection of hackney carriages with a view to see if such carriages are in a fit condition for public use;

(e) the fitting of bells, horns or other warning signals to carriages and for testing the same;

(f) the protection of weak, lame and sickly horses, bullocks or other animals;

(g) the publication of the list of fares and table of distances and the regulation of the amount and weight of luggage to be carried with or without additional charges; and

(h) generally for carrying out the purposes of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

55. *Power to make bye-laws.*—Every local authority may, with the previous approval of the Director, make bye-laws not inconsistent with the provisions of this Act and the rules made thereunder on matters not covered by the rules.

56. *Penalty for breach of bye-laws.*—Whoever infringes any rule or bye-law shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees.

57. *Delegation of registering authority's function.*—With the sanction of the Director, the registering authority may delegate to any other officer under it all or any of its functions under this Act.

58. *Repeal and saving.*—The Madras Hackney Carriage Act, 1911 (Act V of 1911) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Re-organisation Act, 1956 and the Travancore-Cochin Hackney Carriage Act, 1950 (XXXV of 1950) are hereby repealed.

SCHEDULE

[See Section 1(3)]

1. Trichur Municipality
2. Kunnamkulam Municipality
3. Alleppey Municipality
4. Shertallai Municipality
5. Muvattupuzha Municipality
6. Mattancherry Municipality
7. Parur Municipality
8. Ernakulam Municipality
9. Trivandrum City
10. Area under the jurisdiction of the Calicut Town Police Station, Calicut Kasba Police Station, Nadakkavu Police Station and Panniankara Police Station.

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GOVERNMENT OF KERALA

Legislature Secretariat

NOTIFICATION

No. 1568|LA. 4|63. *Dated, Trivandrum, 16th March 1963.*

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

L. A. Bill No. 12 of 1963.

THE KERALA ADDITIONAL TAX ON ENTERTAINMENTS AND SURCHARGE ON SHOW TAX BILL, 1963

A

BILL

to provide for the levy of additional tax on entertainments and a surcharge on show tax in the State of Kerala.

Preamble.—WHEREAS it is considered necessary to make provision for the levy of additional tax on entertainments and a surcharge on show tax;

BE it enacted in the Fourteenth Year of the Republic of India as follows:—

1. *Short title, and commencement.*—(1) This Act may be called the Kerala Additional Tax on Entertainments and Surcharge on Show Tax Act, 1963.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Levy of additional tax on entertainments.*—Notwithstanding anything contained in the Kerala Local Authorities Entertainments Tax Act, 1961 (Act 20 of 1961), with effect on and from the commencement of this Act, on each payment of admission to any entertainment which is subject to the levy of entertainments tax under Section 3 of the said Act there shall be levied an additional tax on entertainments calculated at the following rates, namely:—

	Rate of tax.
Where such payment (inclusive of the amount of entertainments tax levied under the Kerala Local Authorities Entertainments Tax Act, 1961)—	
(i) is below fifty naye paise ..	five naye paise
(ii) is fifty naye paise and above, but does not exceed one rupee ..	ten naye paise
(iii) exceeds one rupee ..	twenty naye paise.

3. *Levy of surcharge on show tax.*—There shall be levied on every show which is subject to a show tax under section 125 of the Calicut City Municipal Act, 1961 (Act 30 of 1961), section 124 of the Kerala Municipalities Act, 1960 (Act 14 of 1961) or sub-section (5) of section 66 of the Kerala Panchayats Act, 1960 (Act 32 of 1960) a surcharge at the rate of twenty-five per cent of the said show tax.

4. *Collection and payment of additional tax and surcharge by Local Authorities.*—The additional tax on entertainments under section 2 and the surchage on show tax under section 3 shall be levied, and recovered by the local authority levying the entertainments tax or the show tax, as the case may be, along with such tax. The provisions of the Kerala Local Authorities Entertainments Tax Act, 1961 (Act 20 of 1961), and the rules, orders, bye-laws and notifications made or issued thereunder for the time being in force, and the provisions of the Calicut City Municipal Act, 1961 (Act 30 of 1961), the Kerala Municipalities Act, 1960 (Act 14 of 1961) or the Kerala Panchayats Act, 1960 (Act 32 of 1960), as the case may be, and the rules, orders, bye-laws and notifications made or issued thereunder for the time being in force, shall respectively apply to the levy, assessment and recovery of the additional tax on entertainments, and the surcharge on show tax to the extent necessary for such levy, assessment and recovery as they apply in respect of the levy, assessment and recovery of the entertainments tax or the show tax, as the case may be. The entire proceeds of the additional tax on entertainments and the surcharge on show tax so levied and recovered shall be made over by the local authority to the Government after deducting two per cent of the amount collected towards collection charges.

5. *Surcharge to be collected to the nearest naya paisa.*—In the determination of the amount of surcharge payable under this Act, fraction of a naya paisa less than half shall be disregarded and fraction of a naya paisa equal to or exceeding half shall be regarded as one naya paisa.

6. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by notification in the Gazette, issue such orders as appear to them to be necessary or expedient for removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

Under the provisions of the Kerala Local Authorities Entertainments Tax Act, 1961, the local authorities are levying tax on entertainments at the rates fixed by them subject to the maximum and minimum prescribed in the Act. Under the provisions of the Calicut City Municipal Act, 1961, the Kerala Municipalites Act, 1960, and the Kerala Panchayats Act, 1960, a show tax is leviable by the local authorities on the shows conducted within their limits which are subjected to entertainment tax. It is considered necessary to levy an additional tax to increase the financial resources of the Government. The

additional tax on entertainments and the surcharge on show tax shall be collected by the local authorities along with the entertainments tax or the show tax as the case may be and shall be credited to the Government deducting a collection charge of 2% of the amount collected. The Bill is intended to achieve the above objects.

It is estimated that the income to the State from the above tax and surcharge will come roughly to Rs. 20 lakhs per annum after allowing the local authorities to appropriate a collection cahrge of 2 per cent on the amounts collected. No separate staff for the administration of this Act is necessary.

K. A. DAMODARA MENON

Gazette Extraordinary No. 46 dated 16th March 1963.

GOVERNMENT OF KERALA

Legislature Secretariat

NOTIFICATION

No. 1569|LA7|63. *Dated, Trivandrum, 16th March 1963.*

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

L. A. Bill No. 13 of 1963.

ASSUMPTION OF MANAGEMENT OF ESTATES PROCLAMATIONS (REPEAL) BILL, 1963

A

BILL

to repeal the Proclamations assuming the management of certain estates in Cochin.

Preamble.—WHEREAS it is expedient to repeal the Proclamations assuming the management of certain estates in the former State of Cochin;

BE it enacted in the Fourteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Assumption of Management of Estates Proclamations (Repeal) Act, 1963.

(2) It shall come into force at once.

2. *Repeal.*—The Proclamations mentioned in the Schedule are hereby repealed.

3. *Actions against Government etc.*—No action shall lie against the Government or against any person or persons appointed for managing the affairs of the estates mentioned in the Proclamations repealed by section 2, for any act *bona fide* done or ordered to be done during the period of such management under or in pursuance of the provisions contained in the said Proclamations and the rules framed thereunder.

4. *Validation of surrenders made before the Act.*—The surrender of the estates mentioned in the Proclamations repealed by section 2, to the members thereof, on the execution and registration of receipts in favour of the Governor of Kerala or the Cochin Devaswom Board, made before the commencement of this Act, shall, for all purposes, be deemed to be, and to have always been validly made, and accordingly, no suit or other proceedings questioning the validity of such surrender shall be maintained in any court.

THE SCHEDULE

1. Proclamation I of 1114 (Cochin) dated the 2nd September, 1938, assuming the management of the Chazhur Thekkepatt Kovilagam Vellarappilli Vadakke Kovilagam and the Elankunnapuzha Nadakkal Kovilagam.
2. The Pandal Erinjana Valli Illom Proclamation III of 1118 (Cochin) dated the 11th day of September, 1942.
3. The Patinjattiyedath Mana (Assumption of management) Proclamation IV of 1119 (Cochin) dated the 24th day of November, 1943.
4. Proclamation assuming management of certain properties belonging to Eledath Thaikkat Illom, XII of 1120 (Cochin) dated the 29th day of January, 1945.

STATEMENT OF OBJECTS AND REASONS

The former Government of Cochin had assumed the management of the following Jenmis' estates under the Proclamations noted against them on the execution of deeds of surrender by the members of the estates and entrusted the management of these estates to the Devaswom Department.

(i) The Chazhur Thekkepatt Kovilagam	Proclamation I of 1114
(ii) The Vellarappilli Vadakke Kovilagam	Proclamation I of 1114
(iii) The Elankunnapuzha Nadakkal Kovilakam	Proclamation I of 1114
(iv) The Pandal Erinjana Valli Illom	Proclamation III of 1118
(v) The Padinjattiyedath Mana	Proclamation IV of 1119
(vi) Eledath Thaikkat Illom	Proclamation XII of 1120

2. Some of those estates are now under the management of the Cochin Devaswom Board. The Devaswom Board has expressed its desire to be relieved of the responsibility of managing these estates. The owners of the estates have also expressed, in writing, their willingness to take over the management. The conditions stipulated for restoration of management of the estates have also been fulfilled. Government, therefore, consider that the estates should be surrendered to the owners.

3. The Bill seeks to repeal Proclamations I of 1114, III of 1118, IV of 1119 and XII of 1120 under which the management of the estates had been assumed.

M. P. GOVINDAN NAIR